

IN THE UNITED STATES DISTRICT COURT FOR NORTHERN ILLINOIS
EASTERN DIVISION

04 MAY -7 PM 4:45

MICHAEL DAY ,AND OTHER SIMILAR PERSONS, CLERK
PLAINTIFFS, U.S. DISTRICT COURT

V.

CITY COLLEGE OF CHICAGO,
LUCIE ELIE
DEFENDANTS.

DOCKETED
MAY 12 2004

RECEIVED

MAY 07 2004

JUDGE HOLDERMAN

04C 3336

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MAGISTRATE JUDGE KEYS

COMPLAINT

Plaintiff alleges as follows:

Count I: violation of Plaintiff right to
freedom of Speech under the U.S. Constitution,
1ST AND 14TH AMENDMENTS, 42 U.S.C. 1983

1. Defendant is a body politic, operating under the laws of the state of Illinois, Taxes are collected for its operations and is located in Cook County Illinois.
2. On about May 8, 2002, plaintiff goes to the library of the defendant, of which plaintiff was a student on May 8, 2002 at the location of Malcolm X

College, 1900 W. Van Buren, Chicago, IL. Plaintiff downloaded some material which could be considered x-rated, containing photograph of nude women. Plaintiff instructed the computer at which he downloaded the copies to print the photos.

3. At the computer center where plaintiff was located the printer is at the desk of the assistant for the computer center. The assistant looks at the copies as they come from the printer and calls out some detail to persons so that they can identify their copies.
4. Plaintiff heard his description being called and went to the desk of the assistant. She then told him that x-rated picture could not be displayed on the computers. She then call for the director of the center who told him the same and ask if plaintiff was a student at the school. Plaintiff said yes and then she asked him for his identification card. Plaintiff gave her his card. She then gave it back.
5. The director then told plaintiff to come with her that she wanted to talk with him. Plaintiff refused and went back to his computer. She then told the assistant to get security. Plaintiff went to his computer and got his backpack and started to leave the center concerned about a confrontation.
6. The assistant ran out the center door ahead of plaintiff. When plaintiff got to the second floor of the building to go to his classes he looked down the hall to see the assistant searching for him with a security guard near her. Again fearing some type of arrest plaintiff left the building.
7. There are no rules posted concerning viewing any nude photos on the walls of the computer center. X-rated photos are not obscene in themselves. Defendant had no right to arrest plaintiff. Defendant does not regulate any other types of nude pictures, paintings being viewed on it screens. Persons

there use the computers for person contact and buying and selling products, ect. Plaintiff was under no obligation to hear any speech concerning the evil of nudity. Defendant violated and continues to violate plaintiff's right to free speech thru its effort as described above.

COUNT II. DEFENDANTS VIOLATED PLAINTIFFS'
PROPERTY RIGHTS UNDER THE U.S. CONSTITUTION 1ST AND
14TH AMENDMENTS, 42 U.S.C. 1983

8. Plaintiff realleges paragraphs one to eight.

9. Plaintiff joined as a student, Malcolm X College in the Clinical Labortory technician program in Aug. 2000. The program is a two year or so program with courses needed to be taken in the summer.

10. In the summer of 2002 there was talk that there would not be a fall class due to an insufficient level of students enrolling. Plaintiff had not at that time completed the classes that were to be otherwise offered in the fall. In addition plaintiff had failed a class in the previous fall that he would have had to take again. In the Spring of 2002 plaintiff was not able to take all the course offered at that time and would have to have taken them in the spring of 2003. however, in the spring of 2003 they were not offered for the above reason.

11. In May of 2002, while plaintiff was in class, the program director came in and told the instructor there that they had ten committed students for the fall class and five maybe's. The instructor replied good.

12. On about Aug 13, 2002, plaintiff looked at the course timetable and saw that there were no clinical laboratory courses being offered. Some time later he went

to the office of the assistant president to inquire about the program continuity.

13. There in the assistant president's office the secretary told him that the program would resume in the spring of 2003 semester.

14. When plaintiff saw the course schedule book again he saw there were no clinical laboratory classes. Nor were there any in the year 2003-2004. plaintiff could not complete this program and receive his degree and work in this profession that he had choosen. Plaintiff and other students in the program had an expectation that the program would continue and that they could complete their degree. This was a property right for them under the U.S. constitution.

15. Defendants led the students to believe that course would be offered in the near future continuously so that the time to file a suit would expire without a suit being file.

16. Plaintiff and other students there who had not been able to take the classes there had their property rights violated by the defendants under the U.S. Constitution, 1st and 14th amendments.

Count III. Defendant violated plaintiff's and other similar
Students right to an education by not allowing a method sufficiently
adjusted to their disabilities

17. Plaintiff realleges paragraphs one to 17

18. IN the fall of 2000 when plaintiff joined the clinical laboratory program a Miss Martin was the program director there at Malcolm X College. She had prepared lesson plans there over the years that she had been there. Copies of each course material was given to the students in each class. The were at least 3 major tests to be given, and possibly three quizzes. Under this arrangement plaintiff did well.

19. In the fall of 2001 Miss Martin had left and a Mr. Elie took over. In the class that he gave he Gave one quiz and a midterm and a final exam. On the midterm there were questions on material that Mr. Elie had not taught in the class. A Linda Wanna also taught a class plaintiff took. Plaintiff failed the class of Mr. Elie. The material was too much for plaintiff to memorize on two or so test and thus do well. Plaintiff at that was 48 years of age.

21. In the spring of 2002 plaintiff took three class. Two with an unknown instructor and a Chemistry class with Linda. The other professor gave frequent test and quizzes. Plaintiff easily learned the material.

22. In The Spring of 2003 Plaintiff took One class with Elie and two with Miss Wanna. Toward the middle of the semester Miss Wanna made the statement to the students in her class that they were not children and that all they needed were a midterm and a final and that is what she gave them.

Mr Elie in his class did the same in the spring.

23. As a condition of graduating the students had to take a qualifying test for the program which would cover the program's material. Plaintiff could not do well on these test because he had not been able to retain the material due to the testing process described above. His grades in least these course or/and his grade in his practicum at a hospital was reduce to a "c".

24. On about April 4, 2002 plaintiff was in the Harold Washington library. Plaintiff was sitting at desk reading a book. Plaintiff lifted his head and looked across the room some 15 feet and sees a Larry Session at table with his head down studiously looking in a book. Larry lives at the building where plaintiff resides. There at the building Larry has cursed at plaintiff and done other things to get him to fight.

25. Plaintiff has had similar occurrence with other persons on his previous job who acted in such a manner as to lead plaintiff to believe that they were Chicago Police. Plaintiff has sued the Chicago Police for such action.

26. From the various actions of Larry and others in the building and from plaintiff previously suing the police plaintiff believes that Larry is also a police person. He believes that the police would like to arrest plaintiff and at the building trying to create a situation where they could arrest and attack him in revenge for suing them and other beliefs.

27. When plaintiff looked at Larry in the library he could not help but to see Mr. Elie who was on line formed by plaintiff and Larry. Mr Elie had no book but was only sitting there looking at plaintiff. Elie then opened his eyes wide and relaxed them then did the same thing twice more. Elie was there at the behest of the police. Larry was not there to read a book but to trying to aggravate plaintiff by one copying him and by two being there. They were having a laugh in addition at plaintiff expense.

28. The Chicago Police made Elie aware of their scheme against plaintiff.

29. Mr Elie either from his own beliefs in educational doctrines and/or by way of reward, personal interest or threats from the police choose to disadvantage plaintiff and other similar persons because of their deficiency in memory by way of age to fall short of academic achievement

30. Federal law mandates that allowances be made for person having some inabilities to learn in what can be describe as not able to learn in the “

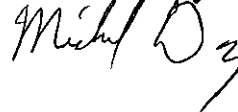
31. usual way. It has been recognized that a testing of material over a sufficiently expanded time period would allow the absorbing of the

material being taught and to retain it. The defendant violated plaintiff and others rights as described by way of paragraph 30 when they violates the law of paragraph 30.

DEMAND

32. Plaintiff and other similar persons ask that the court order that the defendants reinstated the program to allow plaintiff and other similar person to complete their course of study in this program that affected grades be accordingly changed, that if necessary that the affected persons be given an opportunity to take the qualifying tests if it is determined that these tests are needed to obtain the degree. That is that there be a question asked why these exams are needed to obtain a degree and are they reasonable given the timing of the test. At this time this plaintiff will not ask for financial damages, but he does ask for lawyer fees and costs in resolving this case.

by: Michael Day

A handwritten signature in black ink, appearing to read "Michael Day" with a stylized flourish at the end.

Michael Day
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Chicago, Il. 60644